

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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LISA M. RHONEY,

Plaintiff,

v.

ORDER  
08-CV-0097A

UNITED STATES OF AMERICA,

Defendant.

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The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On January 27, 2010, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that plaintiff's motion for partial summary judgment as to the issue of negligence and proximate cause be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, plaintiff's motion for partial summary judgment is denied.

The case is referred back to the Magistrate Judge for further proceedings.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: February 18, 2010